

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Luqris Thompson,

Plaintiff

v.

Las Vegas Metropolitan Police Department, et
al.,

Defendants

Case No.: 2:14-cv-1286-JAD-NJK

Order re: Docs. 18, 27, 30

Plaintiff Luqris Thompson alleges that he was convicted of an April 9, 2007, robbery in Nevada State Court, but his conviction was vacated years later when the Las Vegas Metropolitan Police Department received new information about his case. Doc. 7 at 6-11. Thompson alleges that if the Clark County defenders had not appointed an inexperienced criminal defense attorney, Gerald Luke Ciciliano, to defend him, he never would have been convicted. *See id.* at 6-9. Thompson sues Ciciliano and a host of other defendants for (1) negligence; (2) common law and civil rights conspiracy; (3) due process violations under 42 U.S.C. § 1983; (4) civil rights violations under 42 U.S.C. § 1983; (5) intentional infliction of emotional distress; (6) malicious prosecution; and (7) false imprisonment. *Id.* at 12-17.

On January 15, 2015, Thompson moved for leave to file a proposed Fourth Amended Complaint in this civil rights action, which seeks to elaborate on Ciciliano's negligence, and restrict his negligence count to Ciciliano only. Doc. 27 at 4. No defendant has opposed Thompson's motion. Under Local Rule 7-2(d), the failure to respond to the motion for leave to amend constitutes consent to granting the motion; upon review of Thompson's motion, I find it has merit and should be granted.

Ciciliano previously moved to dismiss Thompson's Third Amended Complaint, arguing that Thompson failed to state a claim for which relief could be granted under Rule

1 12(b)(6) and that Thompson's claims are barred under the statute of limitations. Doc. 18.
2 Ciciliano then moved to extend his time to reply. Doc. 30. Given the significant differences
3 between Thompson's Third and Fourth Amended Complaints as they relate to allegations
4 against Ciciliano, I deny his motion to dismiss without prejudice to its reurging once
5 Thompson files his Fourth Amended Complaint, and I deny his motion for an extension of
6 time as moot.¹

7 Accordingly, it is HEREBY ORDERED that Thompson's Motion for Leave to File
8 Fourth Amended Complaint **[Doc. 27] is GRANTED**. Thompson shall file the proposed
9 amended complaint [Doc. 66-1] by February 27, 2015.

10 It is FURTHER ORDERED that Ciciliano's Motion to Dismiss **[Doc. 18] is DENIED**
11 **WITHOUT PREJUDICE**.

12 It is FURTHER ORDERED that Ciciliano's Motion for Extension of Time **[Doc. 30]**
13 **is DENIED AS MOOT**.

14 DATED February 18, 2015.

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17 Jennifer A. Dorsey
18 United States District Judge
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24 ¹ Defendants George Libbey (the Las Vegas Metropolitan Police Department Detective
25 entrusted with the investigation of Thompson's case), and the LVMPD (Libby's employer) have
26 also moved to dismiss the complaint, attacking all of Thompson's claims against LVMPD and
27 Thompson's second, third, fourth, fifth, sixth, and seventh causes of action against Libbey. Doc.
28 28. Because the allegations in Thompson's Fourth Amended Complaint are substantively
unchanged as they relate to these two defendants, I elect to reach this motion to dismiss (Doc.
28 28), as filed, in due course. Any differences between the Third and Fourth Amended Complaints
can be adequately addressed in Thompson's response and defendants' reply to the motion.